

Oral Argument Calendar

United States Court of Appeals for the Sixth Circuit

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Tuesday, October 07, 2014

403 - 4th Floor Courtroom, 9:00 A.M.

Before: **Boggs, Cook, Quist**

13-2704 James Wallace v. Wayne County, et al.

[2:12-cv-12656](#)

Eastern District of Michigan at Detroit

B. Friedman

M. Randon

Plaintiff appeals the summary judgment for defendants and the denial of his motion for reconsideration in this action alleging that his termination violated Michigan's Whistleblower's Protection Act, public policy, and his First Amendment rights. (15 Minutes Per Side)

13-5821 USA v. Jerry Kerley

[3:10-cr-00169-2](#)

Eastern District of Tennessee at Knoxville

C. Shirley

T. Phillips

13-5931 USA v. Jeffrey Whaley

[3:10-cr-00169-1](#)

Eastern District of Tennessee at Knoxville

C. Shirley

T. Phillips

Defendants appeal their jury convictions and sentences for various crimes involving bank fraud, wire fraud, and other related financial fraud offenses. (10 Minutes for Each Defendant; 20 Minutes for Plaintiff)

14-1090 Settlement Facility Dow

[2:00-mc-00005](#)

Eastern District of Michigan at Detroit

D. Hood

The debtor and the Shareholders appeal the post-confirmation order authorizing the partial Premium Payments to certain claimants. (15 Minutes Per Side)

14-5192 Joe Allen v. City of Jackson, Tennessee, et al.

[1:13-cv-01079](#)

Western District of Tennessee at Jackson

J. Breen

Plaintiff appeals the summary judgment for defendant in this civil action for damages arising when plaintiff was terminated for failing a random drug test. (15 Minutes Per Side)

14-5123 Bertha Huff, et al. v. Carol Spaw

[2:13-cv-00212](#)

Eastern District of Kentucky at Covington

D. Bunning

Plaintiffs appeal the judgment for defendant in this civil suit under Title III of the Omnibus Crime Control and Safe Streets Act, arising from interception of a cellular telephone call following a "pocket dial." (15 Minutes Per Side)

14-1304 Jacqueline Nowicki-Hockey v. Bank of America, N.A.

[1:11-cv-10482](#)

Eastern District of Michigan at Bay City

T. Ludington

Plaintiff appeals the summary judgment for defendant in this diversity action challenging a residential mortgage foreclosure. (To Be Submitted On Briefs)

Tuesday, October 07, 2014

403 - 4th Floor Courtroom, 9:00 A.M.

Before: **Boggs, Cook, Quist**

14-3234 Cynthia Jett v. American National Red Cross

1:11-cv-00586

Southern District of Ohio at Cincinnati

H. Weber

K. Litkovitz

Plaintiff appeals the summary judgment for defendant in this action alleging that defendant terminated her employment on the basis of her age in violation of the Age Discrimination in Employment Act and Kentucky law and interfered with her retirement benefits in violation of the Employee Retirement Income Securities Act. (To Be Submitted On Briefs)

Tuesday, October 07, 2014

607 - 6th Floor West Courtroom, 9:00 A.M.

Before: **Keith, Moore, Stranch**

13-4356 Wheeling & Lake Erie Railway v. Brotherhood of Locomotive Eng[5:13-cv-02105](#)

Northern District of Ohio at Akron

J. Adams

Defendants appeal the district court's order granting plaintiff's request for a preliminary injunction enjoining any work-stoppage or any other form of self-help by defendants in this action for declaratory and injunctive relief brought under the Railway Labor Act. (15 Minutes Per Side)

14-1392 Kishna Brown v. Bradley Lewis, et al.[1:12-cv-14953](#)

Eastern District of Michigan at Bay City

C. Binder

T. Ludington

The defendants in this civil rights action alleging claims for false arrest and use of excessive force appeal the denial of summary judgment based on qualified immunity. (15 Minutes Per Side)

13-4379 USA v. Deborah Kistner[2:11-cr-00283-1](#)

Southern District of Ohio at Columbus

G. Frost

Defendant appeals her conviction and sentence following her guilty plea to various charges involving bank fraud and money laundering. (15 Minutes Per Side)

13-2164 USA v. Thomas Verburg[1:12-cr-00257-3](#)

Western District of Michigan at Grand Rapids

R. Bell

13-2205 USA v. Ramiro Ramos[1:12-cr-00257-8](#)

Western District of Michigan at Grand Rapids

R. Bell

Defendants appeal their judgments of conviction and sentence following their guilty pleas to various charges involving marijuana. (To Be Submitted On Briefs)

13-2652 Thompson I.G., LLC v. Edgetech I.G., Inc.[2:11-cv-12839](#)

Eastern District of Michigan at Detroit

A. Cohn

Plaintiff appeals the summary judgment for defendant in this diversity action alleging breach of contract, breach of express and implied warranties, and fraud. (To Be Submitted On Briefs)

14-5613 USA v. Yahir Lara[3:14-cr-00006-1](#)

Middle District of Tennessee at Nashville

K. Sharp

Defendant appeals her sentence for reentry of an alien previously deported as an aggravated felon. (To Be Submitted On Briefs)

Tuesday, October 07, 2014

636 - 6th Floor East Courtroom, 9:00 A.M.

Before: **Batchelder, Gilman, Gibbons**

13-3808 Laurice Gilbert v. Terry Tibbals

[1:11-cv-00558](#)

Northern District of Ohio at Cleveland

J. Gwin

13-3809 Laurice Gilbert v. Terry Tibbals

[1:11-cv-00558](#)

Northern District of Ohio at Cleveland

J. Gwin

Petitioner appeals and respondent cross-appeals the district court's judgment granting a petition for a writ of habeas corpus, filed under 28 U.S.C. Section 2254. (15 Minutes Per Side)

14-3067 Ted Doukas v. George Bavelis

[10-58583](#)

Southern District of Ohio at Columbus

J. Hoffman

Quick Capital of L.I. Corp. and its owner Ted Doukas appeal the disallowance of Quick Capital's claims against the debtor in this chapter 11 adversary proceeding. (15 Minutes Per Side)

13-5957 Steve B. Smith, et al. v. Jefferson County School Board

[3:03-cv-00593](#)

Eastern District of Tennessee at Knoxville

T. Phillips

Defendants appeal the judgment for plaintiffs, following a bench trial, in this civil action alleging that the defendants violated the Establishment Clause of the First Amendment by contracting with a private entity to provide alternative school education for the district. (15 Minutes Per Side)

14-1369 Stephen Mazur v. UNUM Insurance Company

[1:13-cv-00750](#)

Western District of Michigan at Grand Rapids

P. Maloney

Plaintiff appeals the dismissal of his ERISA action seeking to recover life insurance benefits. (To Be Submitted On Briefs)

14-1293 Joseph Hubbard v. Washington Mutual Bank, FA, et al.

[2:11-cv-12707](#)

Eastern District of Michigan at Detroit

M. Majzoub

P. Duggan

Plaintiff appeals the summary judgment for defendants in this diversity action challenging a residential mortgage foreclosure under state law. (To Be Submitted On Briefs)

Tuesday, October 07, 2014

403 - 4th Floor Courtroom, 1:00 P.M.

Before: **Rogers, Kethledge, Maloney**

13-2641 Elvira Ljulldjuraj v. State Farm Mutual Auto Ins Co

2:13-cv-11655

Eastern District of Michigan at Detroit

G. Rosen

M. Randon

Plaintiff appeals the summary judgment for defendant in this diversity action seeking to recover personal injury protections under a no-fault automobile insurance policy. (15 Minutes Per Side)

Tuesday, October 07, 2014

403 - 4th Floor Courtroom, 2:00 P.M.

Before: **Sutton, Kethledge, Rosenthal**

14-1027 Kalitta Air, LLC v. GSBD & Associates LLC, et al.

[2:12-cv-13554](#)

Eastern District of Michigan at Detroit

B. Friedman

M. Hluchaniuk

Plaintiff appeals the dismissal of its RICO claims in this action arising from a dispute over a contract for the purchase and sale of jet fuel. (15 Minutes for Appellant)

13-2523 Esther Buchanan v. Northland Group, Inc.

[1:12-cv-01011](#)

Western District of Michigan at Grand Rapids

J. Neff

In this action under the Fair Debt Collection Practices Act, plaintiff appeals the judgment dismissing for failure to state a claim for relief her claim asserting that defendant violated the act by failing to state that her debt was time-barred. (10 Minutes for Plaintiff; 5 Minutes for Amicus; 15 Minutes for Defendant)

14-1063 Richard Boone, II v. Daniel Heyns, et al.

[2:12-cv-14098](#)

Eastern District of Michigan at Detroit

A. Tarnow

Defendants appeal the district court's order granting plaintiff's request for a preliminary injunction and directing them to provide medical supplies to plaintiff. (15 Minutes Per Side)

Tuesday, October 07, 2014

636 - 6th Floor East Courtroom, 3:00 P.M.

Before: **Batchelder, Gibbons, Maloney**

12-1038 Julie Pucci v. Nineteenth District Court, et al.

2:07-cv-10631

Eastern District of Michigan at Detroit

D. Lawson

In this employment discrimination action tried to a jury, defendant appeals the judgment for plaintiff, the denial of its post-judgment motions and the award of attorney fees and costs to plaintiff. (15 Minutes Per Side)

Wednesday, October 08, 2014

403 - 4th Floor Courtroom, 9:00 A.M.

Before: **Boggs, Cook, Quist**

13-4386 USA v. Raymond Welch, II

1:13-cr-00057-1 Northern District of Ohio at Cleveland

D. Polster

Defendant appeals his conviction and sentence following his guilty plea to felon in possession of a firearm and the order denying his motion to vacate his plea. (15 Minutes Per Side)

13-4304 The J.M. Smucker Company v. Weston Firm, PC

5:13-cv-00448 Northern District of Ohio at Akron

J. Adams

Defendant appeals the denial of his claim of prosecutorial immunity for actions taken as a private attorney general in this action alleging that defendant used plaintiff's trademarks without authorization and disseminated false and defamatory statements regarding plaintiff and its goods. (15 Minutes Per Side)

14-5226 Stephen Lewis, Jr. v. Norfolk Southern Railway Co., et al.

3:11-cv-00633 Western District of Kentucky at Louisville

J. Heyburn

Plaintiff appeals the summary judgment for defendants in this employment discrimination suit. (To Be Submitted On Briefs)

13-4017 USA v. Ishmael Bahena-Figueroa

2:12-cr-00235-4 Southern District of Ohio at Columbus

J. Graham

Defendant appeals his conviction and sentence following his guilty plea to conspiracy to possess with intent to distribute more than one kilogram of heroin. (To Be Submitted On Briefs)

13-6332 Elton Nance v. USA

1:08-cv-01272 Western District of Tennessee at Jackson

J. Todd

Petitioner appeals a district court order denying his motion to vacate, set aside, or correct sentence, filed under 28 U.S.C. Section 2255. (To Be Submitted On Briefs)

Wednesday, October 08, 2014

403 - 4th Floor Courtroom, 11:15 A.M.

Before: **Boggs, Sutton, Stranch**

13-4417 Jorge Gonzalez-Garcia v. Eric Holder, Jr.

a088 642 766 - m Board of Immigration Appeals

Petitioner seeks review of a decision of the BIA that denies cancellation of removal. (15 Minutes Per Side)

Wednesday, October 08, 2014

607 - 6th Floor West Courtroom, 9:00 A.M.

Before: **Keith, Moore, Stranch**

14-3146 Caroline Chevalier v. Kimberly Barnhart

[2:13-cv-00609](#)

Southern District of Ohio at Columbus

J. Graham

Plaintiff appeals the dismissal based on the domestic relations exception to federal court jurisdiction of her complaint seeking repayment of funds provided to defendant during their marriage. (15 Minutes Per Side)

11-2615 Jack Parker, Jr. v. Sherry Burt

[2:08-cv-13824](#)

Eastern District of Michigan at Detroit

D. Hood

Petitioner appeals the district court's denial of his petition for a writ of habeas corpus, filed under 28 U.S.C. Section 2254. (15 Minutes Per Side)

14-3120 Elizabeth Goodwin, et al. v. City of Painesville, et al.

[1:10-cv-02883](#)

Northern District of Ohio at Cleveland

L. Wells

Defendants appeal the denial of their motion for summary judgment based on qualified and statutory immunity in this civil rights action brought under 42 U.S.C. Section 1983 and state law. (15 Minutes Per Side)

14-5212 Thomas Eifler, Jr. v. Wilson & Muir Bank & Trust Co.

[3:13-cv-00785](#)

Western District of Kentucky at Louisville

J. McKinley

Appellant appeals the district court's affirmance of the bankruptcy court's decision in an adversary proceeding regarding the discharge to the debtor for monies owed a bank. (To Be Submitted On Briefs)

14-1248 Tamara Ciaramitaro v. UNUM Life Insurance Co.

[2:13-cv-10268](#)

Eastern District of Michigan at Detroit

G. Steeh

In this ERISA action seeking benefits under a long-term disability plan, plaintiff appeals the partial denial of her motion for attorney's fees, costs, and expenses. (To Be Submitted On Briefs)

14-5054 Tammy Berera v. Mesa Medical Group, PLLC

[5:13-cv-00294](#)

Eastern District of Kentucky at Lexington

J. Hood

Plaintiffs appeal the dismissal of their suit for failure to state a claim in this civil suit for a tax refund. (To Be Submitted On Briefs)

Wednesday, October 08, 2014

636 - 6th Floor East Courtroom, 9:00 A.M.

Before: **Batchelder, Gilman, Gibbons**

13-3238 Susan List v. Steven Driehaus[1:10-cv-00720](#)

Southern District of Ohio at Cincinnati

T. Black

Defendant appeals the summary judgment for plaintiff and the dismissal of his counterclaim for defamation in which the court held that, as a matter of law, associating a political candidate with a mainstream political position even if false, cannot constitute defamation. (15 Minutes Per Side)

13-3413 David Ayers v. Michael Cipo, et al.[1:12-cv-00753](#)

Northern District of Ohio at Cleveland

J. Gwin

Defendants appeal the jury verdict and judgment for plaintiff in this action alleging that plaintiff's conviction and life sentence for a murder he did not commit rested on fabricated evidence and false testimony. (To Be Submitted On Briefs)

14-1094 Saeb Mokdad v. Eric Holder, Jr., et al.[2:13-cv-12038](#)

Eastern District of Michigan at Detroit

V. Roberts

Plaintiff appeals the dismissal for lack of jurisdiction of his action challenging the constitutionality of the Transportation Security Administration's no-fly list. (15 Minutes Per Side)

13-2258 USA v. Gino Solomon[2:12-cr-20473-1](#)

Eastern District of Michigan at Detroit

M. Battani

Having entered a plea of guilty, defendant appeals his conviction of possession with intent to distribute marijuana and manufacture of marijuana. (To Be Submitted On Briefs)

14-5195 Auto Club Property-Casualty v. B.T.[3:11-cv-00507](#)

Western District of Kentucky at Louisville

C. Simpson

Defendant appeals the summary judgment for plaintiff in this declaratory action concerning the plaintiff's duties of coverage under an insurance policy following an injury on the insured's property. (To Be Submitted On Briefs)

Wednesday, October 08, 2014

842 - 8th Floor Courtroom, 9:00 A.M.

Before: **Sutton, Kethledge, Rosenthal**

13-3873 USA v. Raymone Clements

[1:13-cr-00037-1](#) Northern District of Ohio at Cleveland

D. Nugent

Defendant appeals his conviction to a jury and sentence for two counts of a felon in possession of ammunition and a firearm. (15 Minutes Per Side)

13-6301 USA v. Kelvin Badger

[7:13-cr-00003-art-](#) Eastern District of Kentucky at Pikeville

A. Thapar

Defendant appeals his conviction for being an inmate in possession of a prohibited object. (15 Minutes Per Side)

14-3095 Diane Tonguette v. Sun Life and Health Insurance, et al.

[2:12-cv-00006](#) Southern District of Ohio at Columbus

G. Frost

Plaintiff appeals the summary judgment for defendants in this ERISA action challenging the denial of her claim for death benefits. (15 Minutes Per Side)

14-5331 Gerald Deom, et al. v. Walgreen Company

[3:12-cv-00719](#) Western District of Kentucky at Louisville

J. Heyburn

Plaintiffs appeal the summary judgment for defendant in this civil diversity suit for breach of contract and related claims arising from the purchase of certain assets of three of plaintiffs' pharmacies. (15 Minutes Per Side)

Wednesday, October 08, 2014

403 - 4th Floor Courtroom, 2:00 P.M.

Before: **Boggs, Gibbons, Cook**

11-6180 Gary Sutton v. Wayne Carpenter

3:06-cv-00388

Eastern District of Tennessee at Knoxville

T. Varlan

Petitioner, a Tennessee prisoner sentenced to death, appeals the denial of his petition for a writ of habeas corpus. (30 Minutes Per Side)

Thursday, October 09, 2014

403 - 4th Floor Courtroom, 9:00 A.M.

Before: **Moore, Cook, Steeh**

14-3107 Penn, LLC, et al. v. Prosper Business Dev. Corp., et al.

[2:10-cv-00993](#)

Southern District of Ohio at Columbus

G. Frost

Plaintiffs appeal the judgment for the defendants in this action alleging that defendants improperly transferred and diverted assets, revenues, and business opportunities of Big Research, a limited liability company formed by plaintiff Penn LLC and defendant Prosper Business Development Corporation. (15 Minutes Per Side)

14-3108 Penn, LLC, et al. v. Prosper Business Dev. Corp., et al.

[2:10-cv-00993](#)

Southern District of Ohio at Columbus

G. Frost

The law firm defendants appeal the denial of their motion for an award of attorney's fees and costs related to their defense of claims that the district court dismissed prior to final judgment. (15 Minutes Per Side)

14-1362 Mark Judge v. Landscape Forms, Inc.

[1:12-cv-01117](#)

Western District of Michigan at Grand Rapids

P. Maloney

Plaintiff appeals the summary judgment for defendant in this employment discrimination action alleging claims for violations of the ADA, the Family Medical Leave Act, and state law. (15 Minutes Per Side)

12-6485 USA v. Judy Dinsmore

[2:12-cr-00008-1](#)

Eastern District of Tennessee at Greeneville

J. Greer

Defendant appeals her conviction and sentence following her guilty plea to embezzling, stealing, and converting money from the Social Security Administration. (To Be Submitted On Briefs)

Thursday, October 09, 2014

607 - 6th Floor West Courtroom, 9:00 A.M.

Before: **Cole, Keith, Batchelder****13-6250 EEOC v. New Breed Logistics**[2:10-cv-02696](#)

Western District of Tennessee at Memphis

S. Anderson

T. Pham

Defendant appeals the judgment for plaintiff, following a jury verdict, and denial of its post-verdict motions in this civil suit for discrimination and retaliation under Title VII. (15 Minutes Per Side)

14-1151 Sylvia James v. Hilliard Hampton, et al.[2:12-cv-10273](#)

Eastern District of Michigan at Detroit

L. Zatkoff

R. Whalen

Plaintiff appeals the dismissal for failure to state a claim for relief of her claims alleging violations of the Fourth Amendment and the Equal Protection Clause in connecton with state disciplinary proceedings. (15 Minutes for Plaintiff; 15 Minutes to be Shared by Defendants)

13-1695 Diego Galvan v. John Prelesnik[2:11-cv-13118](#)

Eastern District of Michigan at Detroit

L. Zatkoff

In this 28 U.S.C. Section 2254 habeas appeal, the petitioner challenges the district court's conclusion that his double-jeopardy challenge to his home-invasion conviction was without merit. (To Be Submitted On Briefs)

13-2524 USA v. Ernesto McKinney[1:03-cr-00203-4](#)

Western District of Michigan at Grand Rapids

G. Quist

Defendant appeals the denial of his motion for a reduced sentence pursuant to 18 U.S.C. Section 3582(c)(2). (To Be Submitted On Briefs)

13-6255 USA v. Joshua Ewing[3:12-cr-00104-3](#)

Western District of Kentucky at Louisville

J. Heyburn

Defendant appeals his conviction for armed bank robbery and brandishing a firearm during and in the commission of a crime of violence. (To Be Submitted On Briefs)

Thursday, October 09, 2014

636 - 6th Floor East Courtroom, 9:00 A.M.

Before: **Gibbons, Kethledge, Dow****14-3269 USA, et al. v. Mantech Advanced Systems Int'l, et al.****2:08-cv-00733**

Southern District of Ohio at Columbus

M. Watson

N. King

Relators appeal the summary judgment for defendants in this qui tam action alleging that defendants presented false claims to the government. (15 Minutes Per Side)

13-6656 USA v. Lee Tevis**3:12-cr-00011-1**

Eastern District of Kentucky at Frankfort

G. Van Tatenhove

Defendant appeals his conviction for bank fraud. (15 Minutes Per Side)

12-3169 Sierra Club v. EPA, et al.

epa-r04-oar-2010- Environmental Protection Administration

12-3182 Sierra Club v. EPA, et al.

epa-r05-oar-2011- Environmental Protection Administration

12-3420 Sierra Club v. EPA, et al.

epa-r05-oar-2011- Environmental Protection Administration

Petitioner seeks review of a final rule of the EPA approving implemental plans for air quality purposes and redesignating from nonattainment to attainment. (15 Minutes for Petitioner; 15 Minutes to be Shared by Respondents and Intervenor)

13-6073 USA v. Daniel Quail**3:10-cr-00018-1**

Middle District of Tennessee at Nashville

W. Haynes

Defendant appeals his conviction following a guilty plea to distribute, receipt, and possession of child pornography. (15 Minutes Per Side)

12-2509 Delphon Calhoun v. David Bergh**2:03-cv-72216**

Eastern District of Michigan at Detroit

G. Rosen

Petitioner appeals a district court judgment dismissing his initial and amended habeas corpus petitions filed pursuant to 28 U.S.C. Section 2254. (To Be Submitted On Briefs)

14-1188 Frank Rembisz v. Jacob Lew**5:13-cv-12757**

Eastern District of Michigan at Ann Arbor

J. O'Meara

Plaintiff appeals the dismissal of his employment discrimination action against the Secretary as untimely. (To Be Submitted On Briefs)

14-1067 Terrie Heibel, et al. v. FNMA, et al.**1:13-cv-00972**

Western District of Michigan at Grand Rapids

R. Jonker

In this action challenging a residential mortgage foreclosure, the plaintiffs appeal the dismissal of their civil rights claim against Fannie Mae. (To Be Submitted On Briefs)

Thursday, October 09, 2014

842 - 8th Floor Courtroom, 9:00 A.M.

Before: **Boggs, Sutton, Stranch**

12-4229 David Wade v. Deb Timmerman-Cooper**2:09-cv-00632**

Southern District of Ohio at Columbus

A. Marbley

In this 28 U.S.C. Section 2254 habeas corpus appeal, the petitioner challenges the district court's rejection of his ineffective assistance of appellate counsel claim concerning trial counsel's failure to request a limiting instruction and the district court's conclusion that his double-jeopardy challenge was procedurally defaulted and without merit. (15 Minutes Per Side)

14-1019 UAW v. General Motors LLC**2:10-cv-11366**

Eastern District of Michigan at Detroit

A. Cohn

In this action under the Labor Management Relations Act seeking retrieve medical benefits, the union appeals the summary judgment for GM. (15 Minutes Per Side)

14-3119 Kings Dodge, Inc. v. Chrysler Group, LLC**1:12-cv-00445**

Southern District of Ohio at Cincinnati

T. Black

Plaintiff appeals the summary judgment for defendant and the denial of its motion for reconsideration in this action brought pursuant to Ohio law seeking to compel defendant to pay plaintiff more money for warranty repairs and servicing of Chrysler's vehicles. (15 Minutes Per Side)

13-1821 USA v. Quentin Sherer**2:11-cr-20706-1**

Eastern District of Michigan at Detroit

R. Cleland

13-2619 USA v. Martin Tucker**2:11-cr-20706-2**

Eastern District of Michigan at Detroit

R. Cleland

Defendants appeal their convictions for bank robbery; and using, carrying, and brandishing of a firearm during and in relation to a crime of violence. (To Be Submitted On Briefs)

14-3138 Ronald Stolle v. Kent State University, et al.**5:12-cv-01488**

Northern District of Ohio at Akron

J. Adams

Plaintiff appeals the judgment entered upon a jury verdict in favor of defendant in this action alleging that plaintiff's protected speech was a substantial or motivating factor in defendant's decision not to renew plaintiff's employment contract. (To Be Submitted On Briefs)

Friday, October 10, 2014

403 - 4th Floor Courtroom, 8:30 A.M.

Before: **Moore, Cook, Steeh**

14-5155 John Ohnemus v. Travis Thompson

[6:13-cv-00087](#)

Eastern District of Kentucky at London

K. Caldwell

Plaintiff appeals the dismissal of his diversity suit, alleging malicious prosecution and defamation, for failure to state a claim. (15 Minutes Per Side)

14-5053 Jon Misewicz, et al. v. City of Memphis, Tennessee

[2:10-cv-02593](#)

Western District of Tennessee at Memphis

C. Claxton

Plaintiffs appeal the summary judgment for defendant in this civil action under the Fair Labor Standards Act seeking overtime compensation for city firefighters. (15 Minutes Per Side)

13-4397 Patricia Bolden, et al. v. City of Euclid, et al.

[1:12-cv-01666](#)

Northern District of Ohio at Cleveland

P. Gaughan

Plaintiffs appeal the summary judgment for defendants on their claims for false arrest, excessive force, and related causes of action arising in connection with plaintiffs' arrest by City of Euclid police officers. (15 Minutes Per Side)

13-2148 USA v. Israel Mendez

[1:12-cr-00297-1](#)

Western District of Michigan at Grand Rapids

P. Maloney

Defendant appeals his jury conviction and sentence for possession with intent to distribute cocaine and cocaine base. (To Be Submitted On Briefs)

14-5313 Suzanne Bradley v. Wal-Mart Stores East, LP

[1:12-cv-00045](#)

Middle District of Tennessee at Columbia

J. Griffin

Plaintiff appeals the summary judgment for defendant in this civil diversity action for negligence. (To Be Submitted On Briefs)

Friday, October 10, 2014

607 - 6th Floor West Courtroom, 9:00 A.M.

Before: **Cole, Keith, Batchelder**

14-3157 Christina Smith v. Erie County Sheriff's Dep't, et al.**3:12-cv-01853**

Northern District of Ohio at Toledo

D. Katz

Plaintiff appeals the summary judgment for defendants in this civil rights action brought by the estate of a woman who died from a drug overdose while in custody at the Erie County Jail. (15 Minutes for Plaintiff; 15 Minutes to be Shared by Defendants)

13-3777 USA v. Sean Murphy**2:11-cr-00010-1**

Southern District of Ohio at Columbus

G. Smith

Following a remand from this court for resentencing, defendant appeals his jury conviction and sentence for conspiracy to transport merchandise and money in interstate commerce and transporting merchandise and money in interstate commerce. (15 Minutes Per Side)

13-6565 Dax Womack v. Matt Conley, et al.**4:11-cv-00039**

Western District of Kentucky at Owensboro

T. Russell

Plaintiff appeals the summary judgment for defendants in this civil rights action alleging various constitutional violations and related claims arising from the plaintiff's arrest and prosecution for controlled substance offenses. (15 Minutes for Plaintiff; 15 Minutes to be Shared by Defendants)

13-6576 Jerome Tannenbaum, et al. v. Federal Insurance Company**3:11-cv-01077**

Middle District of Tennessee at Nashville

J. Nixon

Plaintiffs appeal the summary judgment for defendant in this civil diversity suit to recover damages under a property insurance policy for flood damage. (To Be Submitted On Briefs)

14-1253 Suzanne Derbabian, et al. v. Bank of America, N.A., et al.**2:13-cv-12836**

Eastern District of Michigan at Detroit

D. Hood

Plaintiffs appeal the dismissal of their action challenging a residential mortgage foreclosure under federal and state law. (To Be Submitted On Briefs)

14-3031 Timothy Cooper v. The Commercial Savings Bank, et al.**2:12-cv-00825**

Southern District of Ohio at Columbus

G. Frost

Plaintiff appeals the summary judgment for defendants in this case arising out of a cognovit judgment entered against plaintiff in the Ohio Court of Commons Pleas. (To Be Submitted On Briefs)

Friday, October 10, 2014

636 - 6th Floor East Courtroom, 9:00 A.M.

Before: **Gibbons, Kethledge, Dow**

14-5283 Dublin Eye Associates, P.C., et al. v. Massachusetts Mutual Life Ins., et al.

[5:11-cv-00128](#)

Eastern District of Kentucky at Lexington

K. Forester

Plaintiffs appeal the summary judgment for defendants in this action under the Employee Retirement Income and Security Act, finding that their claims are barred by the statute of limitations. (15 Minutes Per Side)

14-1119 Syed Sami v. Detroit Medical Center, et al.

[2:12-cv-12660](#)

Eastern District of Michigan at Detroit

D. Lawson

Plaintiff appeals the summary judgment for defendants in this action alleging employment discrimination based on national origin and retaliation. (15 Minutes for Plaintiff; 15 Minutes to be Shared by Defendants)

13-4305 SEALED CASE

[3:10-cr-00210-12](#)

Southern District of Ohio at Dayton

(15 Minutes Per Side)

13-2615 Barbara Richardson v. Wayne State University, et al.

[5:12-cv-11841](#)

Eastern District of Michigan at Ann Arbor

J. O'Meara

Plaintiff appeals the summary judgment for defendants in this employment discrimination action asserting claims for race, age, and disability discrimination and for retaliation. (To Be Submitted On Briefs)

13-2499 USA v. Sangchaenh Sengmany

[1:12-cr-00273-1](#)

Western District of Michigan at Grand Rapids

J. Neff

Defendant appeals his conviction of conspiracy to distribute and to possess with intent to distribute mentamphetamine and possession of a firearm by a felon entered following his plea of guilty. (To Be Submitted On Briefs)

Friday, October 10, 2014

842 - 8th Floor Courtroom, 9:00 A.M.

Before: **Boggs, Sutton, Stranch**

14-5132 Joshua Hugo v. Millennium Laboratories, Inc**3:12-cv-00167**

Eastern District of Tennessee at Knoxville

B. Guyton

T. Varlan

Plaintiff appeals the summary judgment for defendant in this diversity suit under Tennessee law alleging retaliation and related claims arising from his discharge. (To Be Submitted On Briefs)

14-1311 Lance McNeal v. Gary Kott, et al.**2:11-cv-00078**

Western District of Michigan at Marquette

G. Quist

In this prisoner's civil rights action, the defendants appeal the denial of qualified immunity on the plaintiff's Eighth Amendment claims. (15 Minutes Per Side)

14-3118 NetJets Inc., et al. v. IntelliJet Group, LLC**2:12-cv-00059**

Southern District of Ohio at Columbus

G. Frost

Plaintiffs appeal the judgment for defendant in this action alleging trademark infringement and related causes of action. (15 Minutes Per Side)

13-6595 Braden Frieder v. Morehead State University, et al.**0:11-cv-00127**

Eastern District of Kentucky at Ashland

H. Wilhoit

Plaintiff appeals the summary judgment for defendants in this civil action under 42 U.S.C. Section 1983 alleging various constitutional violations arising from his denial of tenure. (To Be Submitted On Briefs)

14-1076 USA v. Ahmed Green**1:13-cr-00109-1**

Western District of Michigan at Grand Rapids

R. Bell

Defendant appeals the judgment entered following his plea of guilty of conspiracy to distribute heroin, possession with intent to distribute heroin, and possession of a firearm by a felon. (To Be Submitted On Briefs)

14-3124 USA v. Antonio Smith**4:13-cr-00007-1**

Northern District of Ohio at Youngstown

B. Pearson

Defendant appeals the judgment of conviction and sentence entered on his guilty plea to felon in possession of ammunition. (To Be Submitted On Briefs)